

NO. 5:23-CV-719-FL

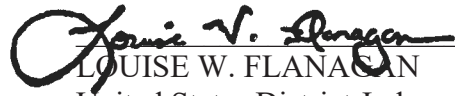
Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983). Upon careful review of the record, “the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Under 28 U.S.C. § 1915(e)(2), the court may dismiss an action that is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.

B. Analysis

The magistrate judge recommends dismissal where plaintiff’s complaint violates a Superseding Prefiling Injunction entered against plaintiff by the Honorable James C. Fox on March 29, 2013, which requires plaintiff to specifically identify the law(s) he asserts were violated and allege all facts with specificity in any complaint he files, and requires the dismissal of frivolous or repetitious complaints. (DE 7 at 1). Although plaintiff filed an objection, it merely registers disagreement in vague terms, stating plaintiff’s opinion that “there is no genuine dispute issue [sic] as to any material fact and that [he] is entitled to judgment as a matter of law.” (DE 8). Plaintiff’s amended complaint, filed as an exhibit to his objection, similarly fails to reference any portion of the M&R, and does not identify any specific error. (See DE 8-1). The court therefore reviews the M&R only for clear error.

Upon careful review of the M&R and the record in this case, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. For the reasons explained by the magistrate judge, the proposed complaint alleges no facts that would support a claim, and the injunction referenced above requires dismissal of repetitious claims. The court thus hereby ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, plaintiff's complaint is DISMISSED for violating the Superseding Prefiling Injunction entered March 29, 2013. The clerk is directed to close this case.

SO ORDERED, this the 30th day of January, 2024.



LOUISE W. FLANAGAN
United States District Judge